

STAKEHOLDER CONSIDERATION # 4

PAYMENT FOR WAIVER SERVICES PROVIDED BY RELATIVES/LEGAL GUARDIANS

DESCRIPTION OF THE ISSUE:

Payment for Waiver Services Provided by Relatives/Legal Guardians (excluding parents of minor children or spouses)

The Medicaid Home and Community Based Waiver allows states the option to choose to pay other relatives and/or legal guardians for provision of specific waiver services under some limited circumstances. Some of these circumstances might include:

- the unique ability of the family member to meet the need of the person with a disability
- lack of other qualified providers geographically
- lack of provider at time and place necessary

If the state chooses to pay relatives and/or legal guardians decisions need to be made about:

- which relatives and whether legal guardians can receive payment
- what type of waiver services can be covered- is it just a specialized skill such as nursing or physical therapy, and are there limits?

In addition the state must address the following requirements and assurances:

- ensure the relative/legal guardian meets all provider qualifications
- ensure the service meets all the waiver criteria required when delivered by a customary provider
- determine that this arrangement is in the best interest of the individual waiver participant
- implement payment review procedures to ensure services have been provided

CURRENT DMR PRACTICE:

DMRs current Home and Community Based Waiver does not allow for payment of the provision of waiver services by legally responsible individuals or other relatives.

WHAT DMR IS PROPOSING:

We are interested in hearing your ideas and have not yet identified a specific proposal.

CRITICAL THINGS TO THINK ABOUT:

- Are there any specific waiver services that relatives and/or legal guardians should be paid to provide? If so, what should the limits be?
- Are there specific circumstances in which relatives and/or legal guardians should be paid to provide specific waiver services?
- What is the decision-making process and who has the final say?
- How do we ensure this is in the best interest of the individual?